



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

JUL 31 2018

MEMORANDUM

SUBJECT: Recusal Statement

FROM: William C. McIntosh
Senior Advisor to the Administrator

TO: Andrew R. Wheeler
Acting Administrator

A handwritten signature in blue ink, reading "W.C. McIntosh", is positioned to the right of the "FROM:" field. The signature is written in a cursive, flowing style.

Upon consideration of my appointment, I consulted with the Office of General Counsel/Ethics (OGC/Ethics) and was advised about my ethics obligations. I have assiduously followed their advice since my appointment, and this memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In September 2017, I retired from Ford Motor Company. Pursuant to the company's executive compensation plan for retirees, portions of my unvested restricted stock units will vest in March 2019, and March 2020. Because I will continue to hold stock and restricted stock units in Ford Motor Company, I understand that I am recused from participating personally and substantially in any particular matter that will have a direct and predictable effect on the financial interests of Ford Motor Company. Additionally, I will continue to participate in Ford Motor Company's vehicle lease program pursuant to my executive compensation plan. Therefore, I understand that I am also recused from participating personally and substantially in any

particular matter that has a direct and predictable effect on the ability or willingness of Ford Motor Company to provide this contractual benefit to me.

In retaining my position as trustee of my mother's trust and executor of my mother's estate, I will not receive any fees for the services that I provide as trustee or executor during my tenure at the EPA. I understand that I am recused from participating personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of my mother's trust or estate.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, Ford Motor Company, is a party or represents a party. I understand that my recusal lasts until July 8, 2020, which is two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means five or more parties who represent a diversity of interests rather than one shared perspective.¹

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to Ford Motor Company, I will instruct Jane Nishida, Principal Deputy Assistant Administrator, to assist in screening EPA matters directed to my attention that involve my former employer. All inquiries and comments involving Ford Motor Company should be directed to Ms. Nishida without my knowledge or involvement until after my recusal period ends.

If Ms. Nishida determines that a particular matter will directly involve Ford Motor Company, then she will refer it for action or assignment to another, without my knowledge or involvement. In the event that she is unsure whether an issue is a particular matter from which I am recused, then she will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Kevin Minoli, Designated Agency Ethics Official, and Justina Fugh, Senior Counsel for Ethics.

¹ I understand that such meetings "do not have to be open to every corner, but should include a multiplicity of parties. For example, if an agency is holding a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client." See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13770 pursuant to OGE Legal Advisory LA-17-03 (3/20/17).

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Ryan Jackson, Chief of Staff
Jane Nishida, Principal Deputy Assistant Administrator
Kevin Minoli, Designated Agency Ethics Official
Justina Fugh, Senior Counsel for Ethics